UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,518	04/03/2001	Roland L. Fernandez	03797.00025	9759

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BANNER & WITCOFF LTD.,
ATTORNEYS FOR MICROSOFT
1001 G STREET , N.W.
ELEVENTH STREET
WASHINGTON, DC 20001-4597

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	7

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 February 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13 and 15-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _8-11_ is/are allowed.

6)☒ Claim(s) _1-7, 12, 13 and 15-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-7, 12-13, and 15-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Ulrich et al ("Ulrich", USP 6466228).

Regarding claims 1 and 18, Ulrich teaches schema stored as

computer-executable instructions in a computer readable medium for defining a

respective visual appearance (visual appearance and behavior) for a plurality of

computer system components (objects) in accordance with a user interface skin theme

(col 3, lines 18-37), the schema comprising: a system schema file for containing skin-

theme metadata that describes allowable form and content of theme-authoring data

(each theme provides its own data structure; col 6, lines 43-46) that defines at least one

display attribute for at least one user interface component (line 67 of col 7 to line 6 of col

8), the system schema file including at least one definition of a plurality of user interface

parts (col 8, lines 18-24), wherein a theme packager uses the system schema file for

validating contents of a theme-authoring file (testing) (col 23, lines 1-5) and the system

schema file including a definition of a plurality of user interface part states

corresponding to at least a respective one of the user interface parts (col 8, lines 25-30).

Regarding claim 2, Ulrich teaches that the system schema file further comprises

a definition of a common set of enumerations for shared use by a plurality of modules

that cooperate to display the graphical user interface in accordance with the skin theme

(col 16, lines 62-66).

Regarding claim 3, Ulrich teaches that the system schema file includes a

common set of properties defined based at least in part on at least one of the common

enumerations (col 16, lines 62-66).

Regarding claim 4, Ulrich teaches that strings and enumeration values for a

plurality of the properties are defined in a single table using a two-pass include

technique (col 18, lines 17-54).

Regarding claim 5, Ulrich teaches the plurality of modules is selected from the

group consisting of a theme manager (theme switching 50) and at least one

theme-aware control (col 24, lines 52-57).

Regarding claim 6, Ulrich teaches custom theme-aware control that specifies

allowable form and content of data in a custom schema file and the custom schema file

including at least one definition of a plurality of custom user interface parts (col 9, lines

64-65) and the custom schema file including a definition of a plurality of user interface

part states corresponding to at least a respective one of the custom user interface parts

(col 8, lines 50-65).

Regarding claim 7, Ulrich teaches that the custom schema file is compiled into a dynamic link library of the custom theme-aware control (col 15, lines 21-33).

Regarding claims 12 and 16, Ulrich teaches defining system skin theme metadata (pseudo code examples) in a system schema file, defining system skin theme metadata in a system schema file, wherein the system skin theme metadata describe allowable form and content of system theme authoring data (col 6, lines 43-46); using the system theme authoring data to describe at least one system theme in accordance with the system skin theme metadata thereby generating at least one system theme description (line 42 of col 11 to lines 23 of col 12); generating a packaged theme file based at least in part upon the at least one system-theme description (col 12, lines 27-29); using the system theme metadata to validate the at least one system theme description (col 23, lines 1-5); and loading the packaged theme file into memory of the computer (col 6, lines 47-56).

Regarding claims 13 and 17, Ulrich teaches the customization of skin theme and generating the packaged theme file based at least in part upon the at least one custom theme (col 1, lines 22-26).

Regarding claim 15, Ulrich teaches the compliance between the custom theme and the custom skin theme metadata (col 3, lines 18-31).

Allowable Subject Matter

3.   Claims 8-11 are allowed. (See Paper No. 5 for Reason for Allowance).

4.   Applicant's arguments filed 02/10/04 have been fully considered but they are not persuasive.

In response to Applicant's argument that Ulrich does not disclose "a system schema file containing skin-theme metadata that describes allowable form and content of theme-authoring data ...wherein a theme packager uses the system schema file for validating contents of a theme-authoring file", Applicant's attention is directed to col 6, lines 43-46 where Ulrich teaches "each theme provides it own data structures" (theme-authoring data) and col 23, lines 1-8 where Ulrich teaches "new theme can test the operating conditions..." (validating contents).

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:
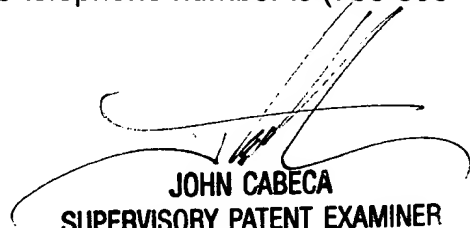
(703)-872-9306

and / or:

(703)-746-5639   (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

04/29/04

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100